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EXAMINER
PRIETO, BEATRIZ

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/821,202	KENNER ET AL.
	Examiner	Art Unit	
	Prieto B.	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26 and 28-80* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-6,13-26,28,29 and 79* is/are allowed.

6)☒ Claim(s) *7-12, 30-50, 53-73, 76-77, 80* is/are rejected.

7)☒ Claim(s) *74,75 and 78* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *8/06*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to Amendment filed under 37 CFR 1.111, claims 1-26, 28-77 and new 78-80 have been examined.

2.   Claim 7 recites a negative limitation (i.e. "without changing focus on the session"). Negative limitation(s) require that the boundaries of the patent protection sought are set forth definitely, albeit negatively, the claim complies with the requirements of 35 U.S.C. 112, second paragraph. Limitations should not define the invention in terms of what it was not, or excluding what the inventors did not invent rather than distinctly and particularly point out the invention. In re Schechter, 205 F.2d 185, 98 USPQ 144 (CCPA 1953). Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims (see MPEP 2173.05(i). See In re Johnson, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole, necessarily described the part remaining."). See also Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983), aff 'd mem. 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for an exclusion. Any claim containing a negative limitation, which does not have basis in the original disclosure, should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant is urged to point out respective supportive disclosure.

        For the purposes of examination, the above-mentioned claimed clause will be interpreted in light of the specification. Specifically, the notifier 82 is automatically displayed as a top most layer so that it is visible to the content recipient even though another application currently has the focus (i.e., is active) [see par 32]; An active session, for example, may be an application which has the focus of the content recipient [see par 34]; Alternatively, instead of burning the note 22 through the active session 88, the note 22 may simply be displayed as a top layer having the focus [see par 56]. Thus, claimed clause, "automatically burning the content through the session without changing the focus on the session", will be interpreted as automatically displayed as a top most layer so that it is visible to the content recipient when another application currently has the focus (i.e., is active).

3.   There is a strong presumption that an adequate written description of the claimed invention is present in the specification as filed, Wertheim, 541 F.2d at 262, 191 USPQ at 96; however, with respect to newly added or amended claims, applicant should show support in the original disclosure for the new

or amended claims. See MPEP § 714.02, and 2163.06. ("Applicant should specifically point out the support for any amendments made to the disclosure.") (see MPEP § 2163 B (II)). Applicant is urged to provide supportive disclosure to added claim (1) clause, namely, "wherein the notifier is displayed so as to be viewable while the content is being displayed behind the active session."

Claim rejection under 35 USC 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5.   Claim 80 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In this case, the claimed clause automatically burning the content through the session so that a border is provided between the content and the session and so that material layered below the session is in view through the border, raises the following uncertainties. Namely, according to the claim the content is displayed behind a session if a session is active. [AS BEST UNDERSTOOD] this means that the content (e.g. a window for the sake of discussion only) is totally or partially not visible because it is behind the active session/window. Next the content is visibly display the content by automatically burning the content through the session so that a border is provided between the content and the session and so that material layered below the session is in view through the border.

This raises uncertainties as to whether the content is displayed behind a session or visibly displayed. Parting from the understanding that objects on a screen are displayed in layered fashion.

Further, since the claim does not establish whether the session is active or not, the border provided between the content and the session, refers to an active or inactive session.

Further, the border provided "between the content and the session", does this "between" language, means the top most or behind layering display, are there actually three layers where the border is between the content layer and the session layer display.

Further, the clause the material layered below the session is view through the border, if this "material layered below the session" is viewed through the border, does this means that the border is layered on top of the "material" layered on top of a session, i.e. which has the session below? Is the content circumscribed by a border displayed behind a session or not?

6.   Regarding claim 80, specifically, claimed clause, "automatically burning the content through the session so that a border is provided between the content and the session and so that material layered below the session is in view through the border." Specifications has been reviewed for supportive written description, particularly, where material is view through a border. According to the invention's specification, the note 22 as shown on Fig. 6 is made to appear in a predetermined portion of the screen display 84 which happens to be partially occupied by a window 92, this window 92 is burned so that a border 94 is provided around the note 22. The border 94 allows whatever is in a layer below the window 92 to seen through the border 94 around the note 22. Thus, the note 22 burns through the window 92 to expose a portion of the layer below the window 92 [see par 0035]. When a second window is layered below the window 92, a portion of this second layer, instead of a portion of the desktop, would then be exposed through the border 94. Alternatively, the note 22 may be arranged to burn through all layers between it and the desktop. [0036].

        Thus, [AS BEST UNDERSTOOD], the language "seen through the border", actually means seen through the border 94 around the note 22 so that whatever is layer below on the window 92 is seen through the border around the note. Fig. 6 illustrates a note 22 (and is its border 94) is layered on top of a session comprising window 92, the window is layered below the note so as to expose portion of layered window 92 around the borders of the note.

        Hence, claim 80, raises uncertainties to a degree that does not enable proper examination because it does not seem to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant is respectfully urged to clarify the language.

7.   Claim 1 (2-6, 13-26, 28-29 and 79 dependent therefrom) is allowable.

8.   Claim 74 (75, 78 dependent therefrom) is allowable.

Claim Rejection under USC 103

9.   Quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action may be found in previous rejection.

10.   Claims 7-12, 30-50, 53-73, 76-77 are rejected under 35 U.S.C. 103(a) as being obvious over Pike (US 4,555,775) in view of Stephens, Jr. (US 6,557,026) (Stephens hereafter).

Regarding claim 7, Pike teaches substantial features of the invention, including, a method/system of Figs. 1-3 performed at a content recipient (25) comprising:

executing a program code (13) at the content recipient (25) for receiving data "content" from a data content provider (24) (col 2/lines 53-col 3/line 3), said content displayable at said content recipient in layers each corresponding executing respective program code (10) (col 1/lines 55-68); and

executing respective program code (10) at the content recipient for displaying the received content (col 3/lines 15-25, 40-47 and col 5/lines 50-55);

displaying the received content at the content recipient behind a displayed layer(s) representing a session (Figs. 2-3) when said session is currently being the focus of recipient's attention (i.e. "active") (col 3/lines 35-47, and col 2/lines 3-11); executing a program code (10) at the content recipient so as to display a content "notifier" over the session even if the session is active, (Figs. 2-3, col 3/lines 35-39, and col 2/lines 3-11); "burning the content through a session without changing the focus on the session", i.e. as interpreted, a *window displayed so that whatever is in a layer below the window around its border is seen or exposed.* Pike teaches referring to Fig. 3, window/frame layer B (41) is provide in a layer below the frame/window layer A (40), window/frame layer A allows what ever is in the layer below to be seen through the window/frame around layer A. Window/frame layer A exposes a portion of the window/frame layer(s) below it, allowing what ever is in layer below the window/frame to be seen through the border of the window/frame layer A around it. The window/frame B (41) below window/frame A does not expose a bottom partially obscured of layer B, i.e. (42), the portion of the layer below the window/frame A (col 4/lines 8-34). Pike teaches displaying content behind a session if the session is active. Pike teaches burning a window content through the session in order to visibly display the content to the user. Pike discusses as well known, to display multiple windows (bitmap layers) simultaneously, with several if not all windows overlapping, leaving one window fully visible and the others partially or wholly obscured. The user can only operate in one layer (window) at a time, while he is doing so, the output from the other layer programs (bitmap layers, i.e. windows) are still visible on the screen, *albeit partially obscured.* It is known in the prior art that *only the window at the front*, which is totally unobscured, *is active* or continuously operating (Pike: column 1, lines 24-35). Thus, Pike teaches display a window as a lower layer so that it is not visible to the user when other window(s) layer is displayed, particularly while a "session is active", as defined by applicant's invention. However, although displaying a window visible display to a user-displaying window through the session without changing the focus on the session, he does not explicitly teach wherein the window comprises content received from a content provider.

Stephens discloses a notice system (200), including an executing first program code (114) at a content recipient (112) for receiving content from a content provider (118) over the network (116) (Fig. 1, col 4/lines 33-col 5/line 7), including displaying a notice "notifier" indicating that content from the content provider, automatically without user intervention (Stephen: col 7/lines 5-60) further including, executing a program code at the content recipient for displaying content behind a session (Stephen: col 6/lines 17-35). Stephen teaches that operating systems commonly use *"windows", as well known in the art, to present information* about or from an application program. Each application program typically has its own window that is generated when the application program is executing. *Each window may be* minimized to an icon, maximized to fill the display, *overlaid in front of other windows*, and *under laid behind other windows* (Stephens: column 6, lines 28-35). Specifically, "Operating systems commonly use "windows", as well known in the art, to present information about or from an application program. Each application program typically has its own window that is generated when the application program is executing. Each window may be minimized to an icon, maximized to fill the display, overlaid in front of other windows, and under laid behind other windows."

Stephen teaches that the notice system reports that content is available for display,
The information will be output to the display associated with user's workstation *even when the window for notice system 200 is not visible on the user's screen*, the display generated by notice system 200 is used to access one or more hyperlinks leading to page(s) that contain the full story for the headline (column 7, lines 26-50, *headlines in hypertext form*, column 7, lines 19-21). Notice system 200 also presents this news in text format in a *browser window, which need not be visible when the story arrives* (Stephens: column 7, lines 51-60).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestions of Pike for displaying content partially obscured, i.e. behind a session, when the user is interacting with a window displayed totally unobscured, overlapped or overlaid over other windows, i.e. active or currently operating sessions, between interacting computer programs exchanging data over a communication data link. Including windows or bitmaps displays, that may include icons, wherein the windows are stackable (changeable in layering front-to-back positions), scalable (changeable in size) and translation modifiable (change in position), the teachings of Pike for displaying content including windows the may be minimized to an icon, overlaid in front of other windows or under-layed behind other windows currently displayed, would be readily apparent. One would be motivated to present a user with customized delivery of information as it becomes available from multiple sources in audible,

HTML format, text, graphics, or links, without requiring user to take any action, not limited to use preferences noteworthiness, specified importance, expiration date, and/or urgency.

Regarding claims 8-12, "burn the content through" the session in order to visibly display the content to a user (Figs. 2-3, col 2/lines 3-11, col 3/lines 35-47) upon receipt of the content (Stephens: col 7/lines 5-60); upon selective subject matter of the content identified via users preference (Stephens: col 7/lines 5-60); upon an identity of a selectively predetermined the content provider (Stephens: col 7/lines 5-60); upon receipt of the content as the content becomes available (Stephens: col 7/lines 5-60), in response to a user request, i.e. pull (Stephens: col 9/lines 66-col 10/lines 10).

11.   Claims 51-52 are rejected under 35 U.S.C. 103(a) as being obvious over Pike in view Stephens in further view of U.S. Patent No. 6,131,096 Ng et. al. (Ng hereafter)

Regarding claims 51-52, however the above-mentioned references do not explicitly teach where the screen or display location "attachment site" is a calendar and address book.

Ng teaches executing a program code (e.g. a browser or Outlook) at the content recipient for receiving content from a content provider and displaying the content recipient to the user (Fig. 4), received content including a calendar and address book display/storage locations on screen (Fig. 8).

It would have been obvious to one ordinary skilled in the art at the time the invention was made given the suggestion of Pike for receiving content from a content provider including two computer exchanging messages over interactive programs, client server as well as email and instant messages environment would be readily apparent, including the teachings of Ng receiving content from a content provider, by a content recipient. One would be motivated to designate workspace data to be retrieved from the content provider, such as selecting data update/maintained by the Outlook™ (email) address book for synchronization with the content provider services, further including calendar, bookmarks and other workspace data types such as files, financial transactions, etc. from their respective service providers, as suggested by Ng.

Regarding claim 30, a computer readable storage medium, the computer readable storage medium storing program code which, when executed by a computing device, performs the following functions:

automatically initiating a request to receive content from a content provider for   receiving   the content from the content provider in response to the request ((Stephen: col 7/lines 5-60, pull see col

9/lines 66-col 10/line 10); and displaying the content behind a session (Stephen: col 6/lines 26-35) if the session is active, i.e. displaying the received content at the content recipient behind a displayed layer(s) representing a session (Fig. 3) when said session is currently being the focus of recipient's attention (i.e. "active") (Pike: col 3/lines 35-47, and col 2/lines 3-11).

Regarding claims 31-50 and 53-58, these computer readable storage medium claims, wherein execution of the program code performs functions substantially the same as those discussed on the method claims 2-29, same rationale of rejection is applicable.

Regarding claim 59, this method claim is substantially the same as the method claims 1 and the display of the notifier on claims 3-4 and the display of a notifier that indicated that content is available, i.e. "post", downloaded automatically from the content provider, claim 30, taught by Stephen polling mechanism (i.e. access, initiate receipt, receive and display), same rationale of rejection is applicable.

Regarding claims 60-71, these method claims comprise substantially the same features and/or limitations as addressed on claims 2-29, same rationale of rejection is applicable.

Regarding claim 72, receiving headlines from a content provider, wherein the headline is tied, linked, associated with a web page provided, generated by, residing on, or of the content provider (Stephens: col 7/lines 5-25, 40-43);

the headlines contain information "content" associated with the announced story and where the headlines note are received without the web page, e.g. story (col 7/lines 5-60, col 10/lines 51-57);

displaying the headlines behind a session if the session is active (Stephens: column 7, lines 51-60).

Regarding claim 73, the note comprises a function to automatically initiate a request to receive content associated with the received note (Stephens: col 7/lines 5-60, col 10/lines 51-57).

12.   Claims 76-77 are rejected under 35 U.S.C. 103(a) as being obvious over Pike in view of Stephens as applied on claim 7 further exemplified by Tsimelzon (US 6,834,306)

Regarding claim 76, this claim comprises a limitation(s) is substantially the same as 73, same rationale of rejection is applicable, further limitation includes the note has a title bar, menu button and display area. Although Stephens teaches where the information will be output to the display associated with workstation 112 even when the window for notice system 200 is not visible on the user's screen (column 7, lines 37-40), where the notice system 200 also presents this news in text format in a browser window, which need not be visible when the story arrives (column 7, lines 51-53). He does not explicitly teach that the note has a title bar, menu button and display area.

Tsimelzon further exemplifies that a window (browser) comprising a title bar, menu button and display area, displaying notification information (Figs. 11-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of Pike and Stephens for using window to present information about or from an application program, including drawing a window over or at the front, which is totally unobscured, is active, drawing other window, overlaid in front of other windows, and drawn under laid behind other windows when others are active. Given the suggestions of Stephens for using a browser window for displaying a notice indicating that content is available for display, one of ordinary skill will recognize that a window browser would contain a window browser containing a title bar, menu button and display area, as further exemplified by Tsimelzon. One would be motivated to include a title bar, menu button and display area because in doing so the title can provide an indication of the subject matter or content provider displaying the notice, the menu buttons for selecting menu command, e.g. a close button and a display area for displaying the notice.

Regarding claim 77, this claim is substantially the same as claim 73, same rationale of rejection is applicable.

Response to Arguments

13.   Regarding claim 7, it is argued (p. 24 of remarks) that the applied reference(s) does not

teach newly added claim limitation, specifically, "burning content through a session without

changing the focus on the session."

In response to the above-mentioned argument, applicant's interpretation of the applied

prior art has been reviewed. However, the claimed clause "burning the content through a session

without changing the focus on the session" has been applied the broadest reasonable

interpretation in light of the specification. According to applicant's disclosure:

For example, the notifier may be the content itself which is immediately displayed to the content recipient as *the top active layer* of any applications that the content recipient has running on the content recipient's network enabled device. Alternatively, the notifies may be a window or an icon or other symbol which is displayed in a tool bar, title bar, inside a window frame, or at any other suitable location, as an indication to the content recipient that newly posted content has been received (0031).

[0034] When the content recipient activates the notifier 82 at the block 80, a block 88 of the program 60 determines whether there is an active session being performed by the content recipient. An active session, for example, may be an application, which has the focus of the content recipient. If there is an active session as determined at the block 88, and if the active session is displayed in an area of the screen display to be occupied by the content when the content is made to appear upon activation of the notifier 82, the program 60 at a block 90 uses the *content display software discussed above in order to burn the content through the active session being displayed.*

[0035] Thus, as shown in FIG. 6, when the notifier 82 is activated, the note 22 is made to appear in a predetermined portion of the screen display 84, which happens to be partially occupied by a window 92. Accordingly, *the window 92 is burned so that a border 94 is provided around the note 22. The border 94 allows whatever is in a layer below the window 92 to seen through the border 94 around the note 22*. Thus, the note 22 burns through the window 92 to expose a portion of the layer below the window 92.

[0036] In FIG. 6, the only layer below the window 92 is a desktop. Therefore, a portion of the desktop may be seen through the border 94. However, if a second window is layered below the window 92, a portion of this second layer, instead of a portion of the desktop, would then be exposed through the border 94. Alternatively, the note 22 may be arranged to burn through all layers between it and the desktop.

[0037] If there is no active session as determined by the block 80, or after a burn through is provided by the block 90, a block 98 *causes the newly posted content of interest to be displayed within the burn through on the display of the content recipient's network enabled device. Thus, as shown in FIG. 6, the note 22 is displayed within the burn through portion of the window 92.* Thereafter, a block 100 determines whether an attachment location is identified such as by the content recipient. If an attachment location is identified, the received content is attached to the identified location at a block 102.

[0056] Moreover, as described above, *newly posted content in the form of the note 22 is displayed on a content recipient's network enabled device within a burn through of the active session 88.* Alternatively, instead of burning the note 22 through the active session 88, the note 22 may simply be displayed as a top layer having the focus. As a further alternative, the note 22 may be displayed as a top layer automatically upon receipt of the content or dependent upon the subject matter of the note 22 or upon an identity of the content provider or upon a user action.

[0057] Also, as described above, *newly posted content in the form of the note 22 is burned through the active session 88 if the notifier is suitably activated at the block 80.* Alternatively, *newly posted content in the form of the note 22 may burn through the active session 88 automatically upon receipt of the content without the activation of the notifier.* As a further alternative, *newly posted content in the form of the note 22 may automatically burn through the active session 88 dependent upon the subject matter of the note or upon an identity of the content provider.*

The invention's specification has been reviewed, (i) however, there seems to be no explicit

definition to the clause "burning content through a session without changing the focus on the session" that

will control its interpretation in the claims (MPEP 2111/2106), applicant is entitled to be his/her own

lexicographer; and (ii) there seems to be no disclosure besides what is noted above, as to what are the steps or acts implemented by the content display software in order to burn the content through the active session being displayed. "So as to burn through a session without changing the focus on the session" seems described in the specification with respect to what appears displayed on the screen or what is seen when "burning" content through the active session being displayed; (ii) there seems to be no disclosure besides what is noted above, as to how to make or configure a border with "see through" or "allowing to see through" capabilities, namely, disclosure describes where *the border 94 to allow whatever is in a layer below the window 92 to seen through the border 94 around the note 22.* Figure 6 illustrates a note 22 having a border 94 **overlaid** on window 92 or the content of window 92 is **layered below** the note 22, note 22 having a border 94 that allows whatever is in a **layer below**, in this case window 92 to be seen through the border 94 around the note 22.

Thus, the broadest reasonable interpretation of the claimed clause, "burning through a session without changing the focus on the session" will be taken from the disclosure *"the window 92 is burned so that a border 94 is provided around the note 22. The border 94 allows whatever is in a layer below the window 92 to seen through the border 94 around the note 22. Thus, the note 22 burns through the window 92 to expose a portion of the layer below the window 92".* Thus, claimed clause, "burning the content through a session <u>without changing the focus on the session</u>", will be interpreted as, a *window displayed so that whatever is in a layer below the window around its border is seen or exposed.*

Pike teaches referring to Fig. 3, window/frame layer B (41) is provide in a layer below the frame/window layer A (40), window/frame layer A allows what ever is in the layer below to be seen through the window/frame around layer A. Window/frame layer A exposes a portion of the window/frame layer(s) below it, allowing what ever is in layer below the window/frame to be seen through the border of the window/frame layer A around it. The window/frame B (41) below window/frame A does not expose a bottom partially obscured of layer B, i.e. (42), the portion of the layer below the window/frame A (col 4/lines 8-34). Applicant's Fig. 6 is not distinguishable from Pike's Fig. 3. Pike teaches displaying content behind a session if the session is active. Pike teaches burning the content through the session in order to visibly display the content to the user. Pike discusses as well known, to display multiple windows (bitmap layers) simultaneously, with several if not all windows overlapping, leaving one window fully visible and the others partially or wholly obscured. The user can only operate in one layer (window) at a time, while he is doing so, the output from the other layer programs (bitmap layers, i.e. windows) are still visible on the screen, *albeit partially obscured.* It is known in the prior art that *only the window at the front,* which is

totally unobscured, *is active* or continuously operating (Pike: column 1, lines 24-35). Thus, Pike teaches display a window as a lower layer so that it is not visible to the user when other window(s) layer is displayed, particularly while a "session is active", as defined by applicant's invention.

Stephen teaches that operating systems commonly use *"windows", as well known in the art, to present information* about or from an application program. Each application program typically has its own window that is generated when the application program is executing. *Each window may be* minimized to an icon, maximized to fill the display, *overlaid in front of other windows*, and *under laid behind other windows* (Stephens: column 6, lines 28-35). Specifically, "Operating systems commonly use "windows", as well known in the art, to present information about or from an application program. Each application program typically has its own window that is generated when the application program is executing. Each window may be minimized to an icon, maximized to fill the display, overlaid in front of other windows, and under laid behind other windows."

Stephen teaches that the notice system reports that content is available for display, The information will be output to the display associated with user's workstation *even when the window for notice system 200 is not visible on the user's screen*, the display generated by notice system 200 is used to access one or more hyperlinks leading to page(s) that contain the full story for the headline (column 7, lines 26-50, *headlines in hypertext form*, column 7, lines 19-21). Notice system 200 also presents this news in text format in a *browser window, which need not be visible when the story arrives* (Stephens: column 7, lines 51-60).

14.   Regarding claim 30, it is argued (p. 25 of remarks) that the applied reference(s) does not teach "that automatically retrieved content is displayed behind an active session".

In response to the above-mentioned argument, the claimed language has been carefully reviewed to ensure the broadest reasonable interpretation has been applied in light of the invention's disclosure. According to the invention's disclosure, [A] an exemplary notifier 82 of this alternative type is shown in FIG. 5 and is made to appear on a screen display such as a screen display 84 shown in Fig. 6, where the notifier 82 appears over a desktop. Although not shown in FIG. 6, if the notifier 82 is displayed as a window or icon at a predetermined location on the display, and if *one or more windows are layered over* this predetermined location, the notifier 82 is automatically displayed as a ***top most layer*** so that it is

visible to the content recipient even though another application currently has the focus (i.e., is active) [see 0032].

Thereby, a notifier is displayed as a window layered as a top most layer so that it is visible even though others *one or more windows are layered over* this predetermined location are currently displayed, this is denoted by the invention as "currently has the focus, i.e. is active".

Claim (30), limitation recites, "displaying the content behind a session if the session is active". The broadest reasonable interpretation has been applied to the claim as mandated. Claim clause reads; display the content as a lower layer so that it is not visible to the content recipient when other window(s) layer is displayed.

Pike discusses as well known, to display multiple windows (bitmap layers) simultaneously, with several if not all windows overlapping, leaving one window fully visible and the others partially or wholly obscured. The user can only operate in one layer (window) at a time, while he is doing so, the output from the other layer programs (bitmap layers, i.e. windows) are still visible on the screen, *albeit partially obscured.*
It is known in the prior art that *only the window at the front*, which is totally unobscured, *is active* or continuously operating (Pike: column 1, lines 24-35).

Thus, Pike teaches display a window as a lower layer so that it is not visible to the user when other window(s) layer is displayed, particularly while a "session is active", as defined by applicant's invention.

Stephen teaches that operating systems commonly use *"windows", as well known in the art, to present information* about or from an application program. Each application program typically has its own window that is generated when the application program is executing. *Each window may be* minimized to an icon, maximized to fill the display, overlaid in front of other windows, and *under laid behind other windows* (Stephens: column 6, lines 28-35). Specifically, "Operating systems commonly use "windows", as well known in the art, to present information about or from an application program. Each application program typically has its own window that is generated when the application program is executing. Each window may be minimized to an icon, maximized to fill the display, overlaid in front of other windows, and under laid behind other windows."

Stephen teaches that the notice system reports that content is available for display,

The information will be output to the display associated with user's workstation *even when the window for notice system 200 is not visible on the user's screen*, the display generated by notice system 200 is used to access one or more hyperlinks leading to page(s) that contain the full story for the headline (column 7, lines 26-50, *headlines in hypertext form*, column 7, lines 19-21). Notice system 200 also presents this news in text format in a *browser window, which need not be visible when the story arrives* (Stephens: column 7, lines 51-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made given the teachings of Stephen for displaying content in text format in a *browser window, which need not be visible when the story arrives or displayed even when the window is not visible on the user's screen, where* "windows", as well known in the art, to present information about or from an application program, where each window may be minimized to an icon, maximized to fill the display, overlaid in front of other windows, and under laid behind other windows. The user can only operate in one layer (window) at a time, while he is doing so, the output from the other layer programs (bitmap layers, i.e. windows) are still visible on the screen, *albeit partially obscured, thus displaying the story even when the window is not visible when the user operating one window, i.e. "active session" because in doing so* the user does not have to take any action to receive up-to-date news as its appears, nor does the user have to interrupt his work to check data sources manually, as suggested by Stephen.

15.   Regarding claim 59, it is argued (p. 26 of remarks) that the applied reference(s) does not teach that the content that is automatically retrieved from a content provider is displayed behind an active session. Because, the cited portions of Stephens merely describes the function of windows and does not disclose that automatically retrieved content is displayed behind an active session (p. 26)

In response to the above-mentioned argument, the cited portions have been reviewed and discussed in detailed in response to arguments regarding claim 30, which seem to be substantially the same argument, same rationale and/or rebuttal is applicable.

16.   Regarding claim 72, it is argued (p. 27 of remarks) that the applied reference(s) does not teach "a note attached to a web page is received from a content provider without receiving the web page and that the note is displayed behind a session if the session is active. Because, Pike mentions nothing about

web pages and there is no suggestion in Stephens that such headlines are elements of a web pages that can be downloaded separately from the web pages.

In response to the above-mentioned arguments, applicant's interpretation of the applied prior art has been carefully reviewed. Stephen discloses where the notice system 200 provides the information in speech-synthesized format <u>as well as</u> on the user's workstation <u>display</u> as the <u>information</u> becomes available including presenting the user with <u>textual (typically HTML-rendered) story headlines;</u> allow the user to select a headline to view the entire story; (col 7/lines 10-25); notice system 200 also presents this news in <u>text format in a browser window</u>, which need not be visible when the story arrives; news summary page(s) listing all of the recent headlines, where each headline is <u>a hyperlink to the web page that contains the full story</u>; and optionally, summary pages may provide additional information with each headline, e.g. story text, graphics, or links (col 7/lines 51-60).

Thus, Stephen teaches receiving a note (e.g. textual HTML story headlines) from a content provider, where the note is attached to a web page (e.g. headlines include a hyperlink to a web page), wherein the note contains content (e.g. textual story headlines) and wherein the note is received without the web page, e.g. it uses the hyperlink to access the web page that contains the full story.

Applicant's arguments that in the Stephen reference the headline is retrieved separately from the summary page. It is respectfully noted that each headline is <u>a hyperlink to the web page that contains the full story</u>; and <u>optionally</u>, summary pages may provide additional information with each headline, e.g. story text, graphics, or links. It is not clear from the disclosure in Stephen where each headline is a hyperlink to the optional summary page(s), as argued.

17.   Regarding claim 76, it is argued (p. 30 of remarks) that the applied reference(s) do not teach that a note is received from a content provider, that the note is an element of a web page, that the note is received separate from the web page, and that the note has a title bar, menu button and a display area.

In response to the above-mentioned argument, applicant's interpretation of the applied reference is noted. Stephens discloses presenting the user with textual (typically HTML-rendered) story headlines; allow the user to select a headline to view the entire story; each headline is a hyperlink to the web page that contains the full story. Optionally, summary pages may provide additional information with each headline. For example, the summary pages may include additional story text, graphics, or links (col 7/lines 37-43, 51-60).

Thus, Stephen teaches that a "note" is received from a content provider, that the

note is an element of a web page e.g. text, that the note is received separate from the web page that contains the entire story. Tsimelzon further exemplifies that a window (browser) comprising a title bar, menu button and display area, displaying notification information (see Figs. 11-12).

18.   Regarding claim 79, it is argued (p. 31) that the applied reference(s) does not teach transmit a world wide web address of the content provider and to receive the content from a content provider in response to the world wide web address.

In response to the above-mentioned argument, applicant's interpretation of the applied reference(s) has been reviewed. Stephens discloses presenting the user with textual (typically HTML-rendered) story headlines; allow the user to select a headline to view the entire story; each headline is a hyperlink to the web page that contains the full story. Optionally, summary pages may provide additional information with each headline. For example, the summary pages may include additional story text, graphics, or links (col 7/lines 37-43, 51-60).

Thus, Stephen transmit a world wide web address of the content provider and to receive the content from a content provider in response to the world wide web address.

19.   Applicant's arguments have been fully considered but not found persuasive.

20.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.   Accordingly, **THIS ACTION IS MADE FINAL**.   See MPEP § 706.07(a).   Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

21.   Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form (see 1.113). If prosecution in an application is closed, an

applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) prior to the earliest of: (c) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 USC 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see MPEP 706.07).

22.   An amendment filed after final rejection is not entered as a matter of right and must be filed in compliance with 37 CFR 1.116 or 1.312, respectively (see MPEP 201). An amendment that will place the application either in condition for allowance or in better form for appeal may be admitted. Amendments complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(a) (see MPEP 706.07(e)) may also be admitted. Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner, compliance with the requirement of a showing under 37 CFR 1.116(c) is expected in all amendments after final rejection (see MPEP 714.13). An amendment filed at any time after final rejection, but before an appeal brief is filed, may be entered upon or after filing of an appeal brief provided the total effect of the amendment is to (A) remove issues for appeal, and/or (B) adopt examiner suggestions (MPEP 714.13 see also MPEP § 1207 and § 1211.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prieto, B. whose telephone number is (571) 272-3902. The Examiner can normally be reached on Monday-Thursday from 5:30 to 2:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Andrew T. Caldwell can be reached at (571) 272-3868. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:
          Commissioner of Patents and Trademarks
          P.O. Box 1450
          Alexandria, VA 22313-1450

Hand carried or delivered to:
          Customer Service Window located at the Randolph Bldg.
          401 Dulany St.
          Alexandria, VA 22314

Faxed to the Central Fax Office:
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Or Telephone:

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November 26, 2006